


MAR 16 2007

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted via facsimile to 571-273-8300: MS Issue Fee, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:
 Date: March 16, 2007 Name: Andrew D. Stever, Reg. No. 38,829 Signature: 

**BRINKS
HOFFER
GILSON
& LIONE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Sanders et al.

Appln. No.: 10/032,700

Filed: December 28, 2001

For: REFASTENABLE ABSORBENT
GARMENT AND METHOD FOR THE
ASSEMBLY THEREOF

Examiner: Stephens,
Jacqueline F.

Art Unit: 3761

Attorney Docket No: 659-911

Mail Stop Issue Fee
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Written Statement As To Substance of Interview
☐ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity		or	Not a Small Entity	
					Rate	Add'l Fee		Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
Total					\$		Total		\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

March 16, 2007
Date


Andrew D. Stever (Reg. No. 38,829)

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I hereby certify that this correspondence is being transmitted via facsimile to 571-273-8300; MS ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

PATENT
Case No. 659-911

March 16, 2007

Date of Transmission

ANDREW D. STOVER, Reg. No. 38,629

Name of applicant, assignee or
Registered Representative

Signature

March 16, 2007

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sanders, et al.

Serial No.: 10/032,700

Filing Date: December 28, 2001

For: **REFASTENABLE ABSORBENT
GARMENT AND METHOD FOR
ASSEMBLY THEREOF**

Examiner: Stephens, Jacqueline F.

Group Art Unit No.: 3761

WRITTEN STATEMENT AS TO SUBSTANCE OF INTERVIEW

MS ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

After receiving a Notice of Allowance, Applicants timely paid the issue fee in this application on January 3, 2007. Subsequent to that date, Applicants received a Supplemental Notice of Allowability mailed February 16, 2007, which included an Examiner's Amendment to claim 38, notwithstanding that Applicants had already paid the issue fee. After reviewing the Examiner's amendment, Applicants

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Client Ref. No.: K-C 17154

determined that the Amendment was erroneous, and improperly incorporated extraneous language that followed the period marking the end of claim 38 into claim 38. The new language is similar to language previously recited in claim 38.

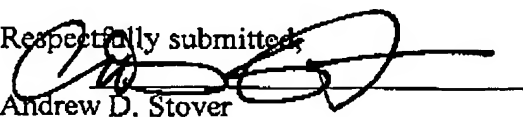
In response, Applicants' undersigned attorney called the Examiner on or about March 8, 2007 to explain that the language following the period marking the end of claim 38 should simply have been deleted, rather than incorporated into claim 38. While the Examiner agreed with Applicants' assessment, she further indicated that there was nothing she could do, and that it was too late to enter another Examiner's amendment, and further that an amendment filed under 37 CFR 1.312 would be improper since Applicants already had paid the issue fee.

The Examiner suggested that Applicants file a certificate of correction once the patent issues, or withdraw the application from issuance. Since it is clear that the new language added by the Examiner is merely duplicative of the previously recited language, and that claim 38, even if issued as amended by the Examiner, is clear and definite, Applicants have elected to submit this written statement as to the substance of interview and will decide whether a request for certificate of correction is in order once the patent issues.

Any questions concerning this Written Statement should be directed to the undersigned attorney at (312) 321-4713.

Date: March 16, 2007

Respectfully submitted,


Andrew D. Stover
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Attorney for Applicant

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